

the rule was suspended, bill read second time, and referred to the committee on County Boundaries.

A message was received from the Governor, presenting the following communication, which was on motion of Mr. Parker, referred together with the accompanying documents, to the committee on Indian Affairs:

EXECUTIVE DEPARTMENT, Jan. 22d, 1850.

To the Senate and House of Representatives:

Gentlemen, a petition has just been received by the Executive, from the citizens of Goliad county, and for the information of the Hon. Legislature, it is transmitted herewith, with a request that it may be returned at a convenient time to this Department.

P. H. BELL.

On motion of Mr. Cooke, the Senate adjourned.

WEDNESDAY, 9 o'clock, A. M. January 23d, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The Journals of yesterday were read and adopted.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

An act concerning divorce.

An act to incorporate the Galveston Lodge, No. 3, of the Independent Order of Odd Fellows.

A bill for the relief of the heirs of B. A. M. Thomas.

A bill for the relief of the heirs and legal representatives of Willis A. Forris, dec'd.

Mr. Phillips, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, Jan. 23d, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The committee on the Judiciary, to whom was referred the petition of sundry citizens of Leon county, asking a change in the time of holding the Spring terms of the District court, have

instructed me to report that they deem it inexpedient to make the proposed change, for the reason assigned in the petition.

The revision of the jury-box at the first term of the County court, in each year, need not necessarily delay the drawing of the jury as required in the 4th section of the act of 1846, regulating juries. There is nothing in the opinion of your committee, to prevent the Clerks and a Justice of the Peace, to make out the venire, thirty days previous to the meeting of the District court, as required by the act. Changes as proposed, always produce more or less inconvenience, and increase expense. They, therefore, recommend that the petition be laid on the table.

Mr. Phillips, also made the following report:

COMMITTEE ROOM, Jan. 23d, 1850.

HON. JOHN A. GREER,

President of the Senate:

The Judiciary committee have attentively considered the bill proposing to empower the Commissioner of the General Land Office to issue patents to the assignees of administrators. As the law now is, if the assignee claims under a valid sale, and records his deed in the county where the lands lie, he is entirely secure, though the patent issue in the name of the heir. By relation, it enures to the benefit of the previous purchaser. These sales, however, are often attacked in our courts and set aside for illegality. They involve questions of law, so perplexing and intricate at times, that even our Judges differ in opinion as to their validity.

The Commissioner is elected to fill his office without reference to his qualifications as a lawyer or a judge, and it would be expecting too much from that officer, that he should be prepared on presentation of a simple transfer deed, without any opportunity of examining the records of the Probate court, to pass advisedly on the validity or invalidity of such assignment.

In addition to this, the patent in the hands of the assignee of such sale, though utterly invalid, might induce a purchaser to buy for a valuable consideration, when in fact, if guided by the present law, his attention were directed by the patent, and transfer, to the appropriate records, in the investigation of his title, he would secure himself from imposition. It is believed too, that the interest of minor heirs will be more effectually secured by the present law, than they possibly could be under the proposed change. That patents now issue to the assignees of certificates under a previous special law, authorizing such practice, is not deemed an argument in favor of this bill; at the time that law was passed, certificates composed almost the only circulating

medium of the country, and land was comparatively valueless. The propriety of the law even under the circumstances named, was always considered by reflecting men as doubtful, and it is a well known fact, that great frauds have been committed under color of its authority.

The condition of the country has now materially changed; real estate is enhanced in value, and is about the only legacy that most of our citizens can leave to their children. It becomes our duty, then, to legislate with extreme caution on the subject, and especially, when no actual advantage can accrue to any one from our action, but serious injuries may ensue to those who are peculiarly entitled to our protection.

Your committee therefore, recommend that the bill be laid on the table.

Mr. Phillips, also, made the following report:

COMMITTEE ROOM, Jan. 23d, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on the Judiciary, to whom was referred a bill to amend an act to regulate the license and practice of attorneys, have had the same under consideration, and have instructed me to report, that the Senate, in their opinion, have already taken action on a bill containing the same subject matter, during the present session. That bill having been rejected by the Senate, they deem it improper to entertain the bill coming from the House. They therefore, recommend that it be laid on the table.

Mr. Phillips, also, made the following report:

COMMITTEE ROOM, Jan. 23d, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on the Judiciary, have had under consideration a bill to authorize Judges of the District courts to hold special terms, and have instructed me to report, that they deem it inexpedient, inasmuch as the proposed plan was full tested under the Republic of Texas, and it was found to be a heavy tax on the community, by calling them from their avocations, at irregular periods, and often unexpectedly, and thus materially interfering with their business arrangements. They therefore, recommend that the bill be laid upon the table.

Mr. Phillips, also, made the following report:

COMMITTEE ROOM, Jan. 23d, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on the Judiciary, to whom was referred a bill

for the relief of purchasers of Austin city lots, have instructed me to report, that they deem it inexpedient to delegate to the Comptroller, the power of investigating judiciously, private sales between individuals, and more especially, as it seems from the bill, that some of the parties are absent, and some are dead. These are matters, more properly to be decided by the court. If the parties seeking relief, have legal and valid transfers, and the patent, issue to the original claimants, they will enure to the benefit of the purchasers, and afford them every benefit they could secure under a patent issued to themselves. They therefore, recommend that the bill be laid upon the table.

Mr. Gage, chairman of the committee on County Boundaries, made the following report:

COMMITTEE ROOM, Jan. 23d, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The Select committee to which was referred a bill to be entitled an act to create the 12th Judicial District, have had the same under consideration, and a majority of said committee have instructed me to return the bill to the Senate with amendments, and recommend the adoption of the amendments, and the passage of the bill.

D. GAGE, *Chairman.*

Amendment.

First, amendment to the caption, after "twelfth," insert "and thirteenth."

Add the following additional sections:

"SEC. 3. *Be it further enacted*, That the following named counties shall compose the 13th Judicial District, to wit: Rusk, Smith, Cherokee, Anderson, Houston and Nacogdoches."

SEC. 4. *Be it further enacted*, That so much of the act to establish the 5th, 6th and 9th Judicial Districts, approved Feb. 26th, 1848, as includes the counties of Rusk, Smith, Cherokee, Anderson, Houston and Nacogdoches, in the 5th, 6th and 9th Judicial Districts, be, and the same are hereby repealed.

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill to create the county of Fall; reported the same back to the Senate, and recommended its passage.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill concerning patents for lands; reported the same back to the Senate, and recommended its passage.

On motion of Mr. Phillips, a bill to authorize the withdrawal from the General Land Office, of deeds issued on paper, of the second seal; and a bill to revive and amend an act to locate permanently, the seat of Justice for the county of De Witt, approved

March 9th, 1848, were taken up and placed among the orders of the day.

On motion of Mr. Portis, a bill to repeal an act to provide for closing the business of the late War and Marine Department, and to transfer the books, records and papers of the Adjutant General's Office, to the office of the Secretary of State; and a bill to authorize the Governor to appoint a General Staff, and organize the militia of the State; were taken up and placed among the orders of the day.

A message was received from the House of Representatives, informing the Senate, that the House had passed joint resolution authorizing the Comptroller to make a final settlement with the late public printer, for printing the laws and journals of the second Legislature; and a bill to incorporate the town of Rusk.

ORDERS OF THE DAY.

Resolution of the Senate, that the Legislature adjourn *sine die*, on the 5th Feb., 1850.

Mr. Robertson moved to lay the resolution on the table.

Upon which, the yeas and nays were as follows:

Yeas: Messrs. Gage, Grimes, Kinney, Parker, Pease, Phillips and Robertson—7.

Nays: Messrs. Brashear, Burleson, Cooke, Hart, Latimer, McRae, Moffett, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—14. Lost.

Mr. Pease moved to lay the resolution on the table, and make it the special order of the day for the 1st of February.

The yeas and nays being called, were as follows:

Yeas: Messrs. Davis, Gage, Grimes, Kinney, Moffett, Parker, Pease, Phillips and Robertson—9.

Nays: Messrs. Brashear, Burleson, Cooke, Hart, Latimer, McRae, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—13. Lost.

The resolution was then adopted by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Grimes, Hart, Latimer, McRae, Moffett, Portis, Taylor, Truit, Ward, Walker and Wallace—14.

Nays: Messrs. Davis, Gage, Kinney, Parker, Pease, Phillips, Robertson and Van Derlip—8.

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill supplementary to an act to create the county of Ellis; reported the same back to the Senate, and recommended its passage.

A bill to provide for distributing the Reports of the Decisions of the Supreme Court of this State, together with the report of the Judiciary committee, offering a substitute therefor ; was read, substitute adopted, and bill passed to a third reading.

A bill for the relief of General Memucan Hunt, together with the report of the committee on Claims and Accounts, offering an amendment thereto ; was read, and amendment rejected by the following vote :

Yeas : Messrs. Brashear, Cooke, Kinney, Moffett, Phillips, Portis, Robertson and Truit—8.

Nays : Messrs. Gage, Grimes, Hart, Latimer, McRae, Parker, Pease, Taylor, Van Derlip, Ward and Wallace—11.

The bill then passed to a third reading.

A message was received from the House of Representatives, informing the Senate that the House had passed a bill providing for the payment of the forage, subsistence, medicine &c., of the company of mounted volunteers, commanded by Capt. Johnson, and mustered into the service of the State by order of his Excellency George T. Wood, Governor.

A bill to incorporate the Galveston Lodge, No. 3, of the Independent Order of Odd Fellows ; read third time, and passed by the following vote :

Yeas : Messrs. Brashear, Cooke, Davis, Gage, Grimes, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—19.

Nays : Mr. Hart.

A bill for the relief of Richard B. Jarman ; read and passed to a third reading.

A bill concerning divorce ; read third time.

Mr. Van Derlip offered the following amendment :

SEC 20. That in all cases where divorces have heretofore been granted by the courts of this State, and the parties have since married, such marriage shall be deemed to have been legal. Adopted, and bill passed.

A bill concerning the duties of District Surveyors ; read third time and passed.

A bill to enforce and carry out the judgments and decrees of the courts of the State, and to provide for the issuance of certificates and patents, in certain cases ; read third time and passed.

A bill supplementary to an act defining the office and duties of Sheriff's, passed May 12th, 1846 ; read third time and passed.

A bill to amend an act to establish a Penitentiary, passed 13th March, 1848 ; read third time and passed.

A bill supplementary to an act to organize County Courts, passed March 16th, 1848; read third time and passed.

A bill providing for the trial of causes in the Supreme court, in which the said court or any two of its members may be disqualified to act, and in which there may be an equal division of opinion of said judges; read third time.

Mr. Pease offered the following amendment, to be added to the end of the first section:

"And no person shall be so commissioned, who is not qualified for the trial of all such cases as may be pending at the term for which he is appointed." Adopted, and bill passed.

A bill to create the county of Kinney; read third time and passed.

A bill to create the county of Wood; read third time and passed.

A bill more particularly defining the boundaries of Van Zandt county; read third time and passed, by the following vote:

Yeas: Messrs. Burleson, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Tritt, Van Derlip, Ward, Walker and Wallace—17.

Nays: None.

A bill more particularly defining the boundaries of Henderson county; read third time and passed.

A bill authorizing the Galveston City Company to change the plan of a certain block of lots in the city of Galveston; read third time and passed.

A bill supplementary to an act to organize the county of Upshur, approved Jan. 26th, 1848; read third time and passed.

A bill for the relief of Levin S. Sargent; read third time and passed.

A bill for the relief of David Lane and the heirs of Henry L. Lane, dec'd.; read third time and passed.

A bill for the relief of the heirs of Nancy Anderson; read third time and passed.

Joint resolution for the relief of Joseph Branham; read third time and passed.

Joint resolution for the relief of Arminta D. Allen, heir at law of Preston P. Allen, lately a soldier in the army of Texas; read third time and passed.

A bill legalizing and confirming the marriage of William Pearson and Elizabeth Ogle; read third time and passed.

A bill for the relief of George Washington Sheek; read third time and passed.

A bill authorizing and requiring the Auditor of Public Accounts

to audit the claim of Elizabeth Ryals, against the late Republic of Texas, for the sum of one thousand and twenty-three dollars, for spoiliations committed by the Mexicans in 1841; read third time.

Mr. Parker moved to lay the bill on the table. Lost.

The yeas and nays were then called on the final passage of the bill, and were as follows:

Yeas: Messrs. Burleson, Gage, Kinney, Phillips, Portis, Taylor and Van Derlip—7.

Nays: Messrs. Grimes, Hart, Latimer, Moffett, Parker, Pease, Truit, Ward, Walker and Wallace—10.

The Senate refused to pass the bill.

On motion of Mr. Parker, the Senate adjourned until half past 2 o'clock.

HALF PAST 2 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

Mr. Grimes, chairman of the committee on Finance, made the following report:

AUSTIN, Jan. 23d, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Finance, to whom was referred a joint resolution to provide for the payment of translating the laws of the first and second sessions of the Legislature, into German, and for printing the same, have had the subject before them, and find from the certificate of the Secretary of State, that a contract was made with H. W. Wagner, for translating the laws into the German language, for which he is entitled to receive two hundred and sixty-four dollars and sixty-seven cents, and that there is yet due for printing said laws, the sum of one hundred and eleven dollars, eighty-eight cents, one hundred and ninety-nine dollars twelve cents, having been received on a former appropriation.

Your committee have therefore instructed me to return the resolution, and recommend its passage, after making said amendment.

Amendment. "Deduct one hundred and ninety-nine dollars twelve cents, the amount paid."

A bill for the relief of E. H. Grisham; read third time and passed.

A bill for the relief of Uzziel Baggett; read third time and passed.

A bill for the relief of A. Balleuill; read third time and passed.

Joint resolution for the relief of Elizabeth Hart; read third time and passed.

A bill for the relief of the heirs and legal representatives of Willis A. Forris, dec'd.; read third time and passed.

A bill for the relief of the heirs of B. A. M. Thomas, dec'd.; read third time and passed.

Mr. Moffett offered the following resolution:

Resolved, That the Auditor and Comptroller of Public Accounts be furnished with three hundred and fifty copies of their report, with the request to forward the same to the various persons holding claims against the late Republic of Texas, and that in case the editor who lately published the same, has not that amount on hand, that the committee on Public Printing be authorized to contract either for a part or the entire amount."

Rule suspended and resolution adopted.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to be entitled an act to provide for the liquidation of the public debt of the late Republic of Texas.

A bill to be entitled an act supplementary to an act entitled an act to secure to all actual settlers within the limits of the colony granted to Peters and others, commonly known as Peters' Colony, the lands to which they are entitled as colonists.

A bill to incorporate Chapell Hill College.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report:

AUSTIN, Jan. 23d, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The committee on Enrolled Bills, have examined the following bills and joint resolutions:

A joint resolution for the relief of the heirs of William S. Tutton, dec'd.

A bill supplementary to an act entitled an act to exempt buildings and grounds designed and used for purposes of education or public worship, from taxation.

Joint resolution for the relief of James S. Patterson.

A bill for the relief of Lemuel M. Rodearmel.*

A bill to change the name of George North, to George Douglass Bigelow.

A bill for the relief of the several Sheriffs under the late Republic of Texas.

A bill for the relief of Samuel G. Newton, and Tilley & Hewit.

A bill to permit the county of Fayette to levy and collect a special tax.

A bill providing for the removal of certain Spanish documents from Nacogdoches county, to the State department.

A bill to create the Mount Vernon Male and Female Academies.

A bill to remove the Land office of Milam Land District, from Burleson county, to Cameron, in Milam county.

A bill supplementary to an act entitled an act to locate permanently the seat of justice of Cass county, approved Dec. 27, 1838.

Joint resolution authorizing the Comptroller of the State of Texas to exchange some of the public property in the city of Austin, for a certain lot and buildings adjoining the General Land Office.

A bill authorizing the County court of Red River county to have the record books, A, B & C, of Probate records, now in the office of the Clerk of said county, transcribed.

A bill to incorporate the city of Brownsville.

A bill requiring the election of County Treasurers by the people.

A bill to legalize the headright of certificate of Simon P. Barnes; and

A bill to amend the first section of an act entitled an act to create the county of Anderson, approved March 24th, 1846.

All of which, are here reported correctly enrolled.

A bill to incorporate Chapell Hill College; read third time and passed, by the following vote:

Yeas: Messrs. Brashear, Burleson, Gage, Grimes, Hart, Latimer, Moffett, Pease, Phillips, Portis, Taylor, Van Derlip, Ward, Walker and Wallace—15.

Nays: None.

A bill supplementary to an act to secure to all actual settlers within the limits of the colony grant to Peters and others, commonly known as Peters' colony, the lands to which they are entitled as colonists; read third time and passed.

A bill making an appropriation to pay for the printing the laws and constitution, in the German language; read third time and on motion of Mr. Pease, laid on the table.

Joint resolution authorizing the payment of the unexpended balance of the appropriation made by the joint resolution for the relief of the Texian prisoners in Mexico; read and ordered to be engrossed.

A bill to establish the Marshall Railway Company; read second time and ordered to be engrossed.

A bill to provide for the liquidation of the public debt of the late Republic of Texas; read third time.

Mr. Pease offered the following amendment:

"SEC. 6th. That all liabilities of the late Republic of Texas, whether the same have or have not been presented to the Auditor and Comptroller, under the provisions of the act to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848; shall cease to draw interest from and after the 1st day of July, 1850."

Make the present sixth section, the seventh. Adopted, and the bill then passed.

A bill supplementary to an act to amend an act to create and organize the county of Panola; read second time, and on motion of Mr. Gage, referred to the committee on County Boundaries.

A bill supplementary to an act entitled an act to apportion the Senators and Representatives of the Legislature, among the several counties of this State, according to the requirements of the Constitution, approved January, 1850; read second time, and on motion of Mr. Pease, referred to the committee on Privileges and Elections.

On motion of Mr. Gage, Mr. Pease was added to the committee on Privileges and Elections.

On motion of Mr. Pease, the vote which refused to pass a bill authorizing and requiring the Auditor of Public Accounts, to audit the claim of Elizabeth Ryals against the late Republic of Texas, for the sum of one thousand and twenty-three dollars, for spoils committed by the Mexicans, in 1841; was reconsidered, and on motion of Mr. Portis, the bill was referred to the committee on the Judiciary.

A bill for the relief of Zebulon M. Porter; read second time, and on motion of Mr. Latimer, referred to the committee on Private Land Claims.

Joint resolution making an appropriation for the *per diem* pay of the members and officers of the present Legislature; read on motion of Mr. Parker, referred to the committee on Finance.

Joint resolution for the relief Charles Morgan and Robert Rose; read second time, and on motion of Mr. Parker, referred to the committee on Finance.

Joint resolution providing for the more efficient and certain protection of the exposed borders and frontier portions of Texas, against the continued hostility and depredations of the Indians, read second time, and on motion of Mr. Van Derlip, referred to the committee on Military Affairs.

Joint resolution for the relief of J. F. Brown and Lyman Tarbox; read second time and passed to a third reading.

A message was received from the House of Representatives, informing the Senate, that the House had passed the following bills and joint resolutions, originating in the House, viz:

A bill for the relief of George T. Howard and Duncan C. Ogden.

A bill to define the boundaries of Limestone county; and

Joint resolution granting the Hon. Fielding Jones, Judge of the tenth judicial district, leave of absence from the State.

A bill to incorporate the Houston and Brazos Plank-road Company, together with the report of the committee on Internal Improvements, offering a substitute therefor, was read, substitute adopted, and bill ordered to be engrossed.

A bill to incorporate the town of Tyler, in Smith county; read and passed to a third reading.

A bill better defining the boundaries of Kaufman county; read and ordered to be engrossed.

Joint resolution relative to making the port of Aransas, a port of entry, and to erect a lighthouse on Mustang Island; read and ordered to be engrossed.

A bill to authorize the Comptroller to issue duplicates of certain certificates; read and passed to a third reading.

A bill to amend an act to incorporate the city of Nacogdoches, approved March 16th, 1848; read and passed to a third reading.

A bill to declare John James Elliott the legitimate child of William Elliott and Polly Elliott, of the county of Rusk; read and passed to a third reading.

Joint resolution for the relief of the heirs of Robert Earl, dec'd., together with the report of the committee on Private Land Claims, offering an amendment; was read, amendment adopted, and bill passed to a third reading.

A bill to organize the county of Ellis; read.

Mr. Cook offered the following amendment:

Strike out all after "county," in the 4th line to "and" in the 5th line, in 7th section—also, strike out "and not included within the limits of any other county," same section. Adopted, and bill passed to a third reading.

On motion of Mr. Wallace, a bill to create the county of Falls; was taken up and read.

On motion of Mr. McRae, the bill was amended, by striking out "Falls," wherever it occurs, and inserting "Burnett."

On motion of Mr. Walker, the rule was suspended, bill read third time and passed.

A bill for the relief of the legal representatives of Henry B. Williams, dec'd.; read and passed to a third reading.

A bill for the relief of Amos Morrill; read and passed to a third reading.

The report of the committee on Private Land Claims, on the petition of Leander Brown, was read and adopted.

Mr. Portis, chairman of the committee on Education, made the following report :

COMMITTEE ROOM, Jan. 23d, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on Education, to whom was referred the petition of sundry citizens of the Cat Spring settlement, in Austin county, respecting the distribution of the Free Public School Fund, have had the same under consideration, and have instructed me to report that the joint committee of the Legislature, on Education, have examined the merits of the petition, and have agreed upon a bill which has been reported to the House of Representatives, and have recommended it to the favorable consideration of the Legislature. All of which, is respectfully reported.

A bill for the relief of James Nelson; read second time, and ordered to be engrossed.

The report of the Finance committee, on a bill for the relief of John R. Baker, recommending that it be laid on the table; was read and adopted.

On motion of Mr. Brashear, the Senate adjourned.

WEDNESDAY, 9 o'clock, A. M. January 24th, 1850.

The Senate was called to order by the President—Senators present : Messrs. Brashear, Burleson, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The Journals of yesterday were read and adopted.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, Jan. 24th, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on Enrolled Bills, have examined the follow-